

## ग्रसाधारण

## EXTRAORDINARY

भाग II—खण्ड 3 — उ ाक्नण्ड (i) PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

# PUBLISHED BY AUTHORITY

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इस भाग में भिन्न पुष्ठ संख्या वी जाती है जिससे कि यह ग्रस्तग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LABOUR

#### NOTIFICATION

New Delhi, the 20th February 1976

G.S.R. 91(E).—The following draft of certain rules further to amend the Industrial Disputes (Central) Rules, 1957, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 38 of the Industrial Disputes Act, 1947 (14 of 1947) is hereby published as required by that sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of ten days from the date of publication of this notification in the Official Gazette;

any objections or suggestions which may be received from any person in respect of the said of it before the expiry of the period so specified will be considered by the Central Government.

### DRAFT RULES

- 1. These rules may be called the Industrial Disputes (Central) Amendment Rules, 1976.
  - 2. In the Industrial Disputes (Central) Rules, 1957,-
    - (a) after rule 75A, the following rule shall be inserted, namely:—
      - "75B. Application for permission to lay off under section 25M.—(1) Application for permission to lay-off any workman under sub-section (1), or for permission to continue a lay-off under sub-section (2), of section 25M shall be made in Form O-3 and delivered to the authority specified under sub-

- section (1) either personally or by registered post acknowledgement due and where the application is sent by registered post the date on which the same was delivered to the said authority shall be deemed to be the date on which the application was made, for the purposes of sub-section (4) of the said section.
- (2) The application for permission shall be made in triplicate and sufficient number of copies of the application for service on the workmen concerned shall also be submitted along with the application.
- (3) The employer concerned shall furnish to the authority to whom the application for permission has been made such further information as the authority considers necessary for arriving at a decision on the application, as and when called for by such authority, so as to enable the authority to communicate the permission or refusal to grant permission within the period specified in sub-section (4) of section 25M.
- (4) Where the permission to lay-off has been granted by the said authority, the employer concerned shall give to the Regional Labour Commissioner (Central) concerned, a notice of commencement and termination of such lay-off in Form O-1 and O-2 respectively and where permission to continue a lay-off has been granted by the said authority, the employer shall give to the Regional Labour Commissioner (Central) concerned, a notice of commencement of such lay-off in Form O-1, in case such a notice has not already been given under sub-rule (1) of rule 75A, and a notice of termination of such lay-off in Form O-2.
- (5) The notice of commencement and termination of lay-off referred to in sub-rule (4) shall be given within the period specified in sub-rule (1) of rule 75A.";
- (b) rule 76A shall be re-numbered as rule 76B and-
  - (i) before rule 76B as so re-numbered, the following rule shall be inserted, namely:—
    - "76A. Notice of, and application for permission for, retrenchment.—(1) Notice under clause (c) of sub-section (1) of section 25N for retrenchment shall be served in Form PA and served on the Central Government or such authority as may be specified by that Government under the said clause either personally or by registered post acknowledgement due and where the notice is served by registered post, the date on which the same was delivered to the Central Government or the authority shall be deemed to be the date of service of the notice for the purposes of sub-section (3) of the said section.
    - (2) Application for permission for retrenchment under sub-section (4) of section 25N shall be made in Form PB (with attested copy of the notice given by the employer under clause (a) of section 25F appended thereto) and delivered to the Central Government or to such authority as may be specified by that Government either personally or by registered post acknowledgement due and where the application is sent by registered post the date on which the same was delivered to the Central Government or the authority shall be deemed to be the date on which the application was made for the purposes of sub-section (5) of the said section.
    - (3) The notice or, as the case may be, the application shall be served or made in triplicate and sufficient number of copies of the application for service on the workmen concerned shall be submitted along with the notice or, as the case may be, the application.
    - (4) The employer concerned shall furnish to the Central Government or the authority to whom the notice for retrenchment has been given or the application for permission for retrenchment has been made, under clause (c) of sub-section (1) or, as the case may be, sub-section (4) of the said section 25N, such further information as the Central Government or, as the case may be, the authority considers necessary for arriving at a decision on the notice or, as the case may be, the application, as and when called for by such authority, so as to enable the Central Government or the authority to communicate its permission or refusal to grant permission within the period specified in sub-section (3) or, as the case may be, sub-section (5) of the said section 25N.";

- (ii) after rule 76B as so renumbered the following rule shall be inserted, namely:—
  - "76C. Notice of, and application for permission for, closure.—(1) Notice under sub-section (1) of section 25-O of intended closure shall be given in Form QA and served on the Central Government either personally or by registered post acknowledgement due.
  - (2) Application for permission to close down an undertaking, under sub-section (3) of section 25-O, shall be made in Form QB (with attested copy of the notice served by the employer under sub-section (1) of section 25FFA appended thereto) and delivered to the Central Government either personally or by registered post acknowledgement due and where the application is sent by registered post the date on which the same was delivered to the Central Government shall be deemed to be the date on which the application was made for the purposes of sub-section (4) of the said section.
  - (3) The notice, or, as the case may be, the application shall be made in triplicate.
  - (4) The employer concerned shall furnish to the Central Government to whom the notice of intended closure has been given or the application for permission to close down has been made such further information as that Government considers necessary, for arriving at a decision on the notice, or, as the case may be, the application, and calls for from such employer.";
- (c) after Form O-2, the following form shall be inserted, namely:-
  - "Form O-3 (To be submitted in triplicate with additional number of copies for service on the workmen concerned).

[See rule 75B(1)]

Form of application for permission to lay-off workmen in industrial establishments to which provisions of Chapter VB of the Industrial Disputes Act, 1947 (14 of 1947) apply.

Го						
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[The authority specified under sub-section (1) of section 25M of the Act].

Sir.

Permission is solicited\* for the lay-off/to continue the lay-off of the said workmen.

Such of the workmen permitted to be laid-off will be paid such compensation, if any, to which he is entitled under sub-section (6) of section 25M, read with section 25C, of the Industrial Disputes Act, 1947 (14 of 1947).

Yours faithfully,

(Signature)

<sup>\*</sup>Strike out whatever is inapplicable.

#### ANNEXURE

(Please give replies against each item)

- Name of the undertaking with complete postal address, including telegraphic addresses and telephone number.
- (a) \*Names and addresses of the affected workmen proposed to be laid-off/names and addresses of the workmen laid off before the commencement of the Industrial Disputes (Amendment) Act, 1976 (32 of 1976) and the dates from which each of them have been laid off.
  - (b) The nature of the duties of the workmen referred to in sub-item (a), the units/sections/shops where they are working and the wages drawn by them.
- 3. Product/products of the undertaking.
- 4. Details relating to installed capacity, licenced capacity and utilised capacity.
- (i) Annual production, item-wise for preceding three years.
  - (ii) Production figures, month-wise, for the preceding twelve months.
- 6. Work-in-progress, item-wise and value-wise.
- Any arrangements regarding off-loading or sub-contracting of products or any components thereof.
- Position of the order book, item-wise and value-wise for a period of six months, and one year, next following and for the period after the expiry of the said one year.
- Number of working days in a week with the number of shifts per day and the strength of workmen per each shift.
- Balance-sheets, profit and loss accounts and audit reports for the last three years.
- 11. Financial position of the company.
- Names of the inter-connected companies or companies under the same management.
- (i) The total number of workmen and the number of employees other than workmen as defined under the Industrial Disputes Act, 1947 (14 of 1947), employed in the undertaking.
  - (ii) Percentage of wages of workmen to the total cost of production.
- Administrative, general and selling cost in absolute terms per year in the last three years and percentage thereof to the total cost.
- 15. Details of lay-offs resorted to in the last faree years (other than the lay-off for which permission is sought), including the periods of such lay-offs, the number of workmen involved in each such lay-off and the reasons therefor.

<sup>\*</sup>Strike out whatever is inapplicable

- 16. Anticipated savings due to the \*proposed lay-off/layoff for the continuance of which permission is sought.
- 17. Any proposal for effecting savings on account of reduction in-
  - (i) managerial remuneration,
  - (ii) sales promotion cost, and
  - (iii) general administration expenses.
- 18. Position of stocks on last day of the month in the preceding twelve months.
- 19. Annual sales figures for the last three years and monthwise sales figures for preceding twelve tne months, both items-wise and value-wise.
- 20. Reasons for the \*proposed lay-off/lay-off continuance of which permission is sought.
- 21. Any specific attempts made so far to avoid \*proposed lay-off/lay-off for the continuance of which permission is sought.
- 22. Any other relevant factors with details thereof.";
  - (d) after Form P, the following forms shall be inserted, namely:-

"FORM PA (To be made in triplicate with additional number of copies for service on the workmen concerned).

## [See rule 76A(1)]

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\*Strike out whatever is inapplicable.

- 4. Permission is solicited for the proposed retrenchment, under clause (c) of sub-sections (1) of section 25N of the Industrial Disputes Act, 1947 (14 of 1947).
- 5. I/We hereby declare that the workmen permitted to be retrenched will be paid compensation due to them under clause (b) of sub-section (1) of section 25N of the ACL

Yours faithfully,

(Signature)

### ANNEXURE

(Please give replies against each item)

- Name of the undertaking with complete postal address, including telegraphic addresses and telephone number.
- Names and addresses of the workmen proposed to be retrenched and the nature of their duties, the units/ sections/shops where they are working and the wages drawn by them.
- 3. Product/products of the undertaking.
- Details relating to installed capacity, licensed capacity and the utilised capacity.
- (i) Annual production, item-wise for preceding three years.
  - (ii) Production figures month-wise for the preceding twelve months.
- 6. Work in progress-item-wise and value-wise.
- Any arrangement regarding off-loading or sub-contracting of products or any components thereof.
- 8. Position of the order book-item-wise and value wise for a period of six months, and one year, next following and for the period after the expiry of the said one year.
- Number of working days in a week with number of shifts per day and strength of workmen per each shift.
- Balance Sheet; profit and loss account and audit reports for the last three years.
- 11. Financial position of the company.
- Names of the inter-connected companies or companies under the same management.
- 13. (i) The total number of workmen and the number of employees other than workmen as defined in the Industrial Disputes Act, 1947 (14 of 1947), employed in the undertaking.
  - (ii) Percentage of wages of workmen to the total cost of production.
- Administrative general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.
- 15. Details of retrenchment resorted to in the last three years, including dates of retrenchment, the number of workmen involved in each case, and the reasons therefor.

- 16. Has any of the retrenched workmen been given reemployment and if so, when? Give details.
- 17. Are seniority lists maintained in respect of the categories of workmen proposed to be retrenched and if so, the details and the position of the workmen affected indicating their length of service including broken periods of service?
- 18. Anticipated savings due to the proposed retrenchment.
- Any proposal for effecting savings on account of reduction in—
  - (i) managerial remuneration,
  - (ii) sales promotion cost, and
  - (iii) general administration expenses.
- 20. Position of stock on the last day of the month in the preceding twelve months,
- Annual sales figures for the last three years and month-wise sales figures-for the preceding twelve months both item-wise and value-wise.
- 22. Reasons for the proposed retrenchment.
- -23. Any specific attempt made so far to avoid the proposed retrenchment.
- 24. Any other relevant factors with details thereof.

FORM PB (To be made in triplicate with additional number of copies for service on the workmen concerned).

## [See rule 76A(2)]

Form to publication for permission for retrenchment of workmen in cases where at the commencement of the Industrial Disputes (Amendment) Act, 1976 (Act 32 of 1976), the period of notice given under clause (a) of section 25F for the retrenchment has not expired.

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- 2. The period of notice referred to above has not expired.
- 3. I/We hereby solicit permission for the retrenchment of the workmen referred to above under sub-section (4) of section 25N of the Industrial Disputes Act, 1947 (14 of 1947) for the reasons set out in the Annexure.

Yours faithfully,

#### ANNEXURE

(Please give replies against each item)

- Name of the undertaking with complete postal address, including telegraphic addresses and telephone number
- (a) Names of the workmen proposed to be retrenched and the nature of their duties, the units/sections/shops where they are working and the wages drawn by them.
  - (b) Date of the notice of retrenchment given to the workman concerned under section 25F(a) and the dates on which the said notice was served on each workman concerned.
- 3. Product/products of the undertaking.
- Details relating to installed capacity, licensed capacity and the utilised capacity.
- (i) Annual production, item-wise for preceding three years.
  - (ii) Production figures month-wise for the preceding twelve months.
- 6. Work in progress-item-wise and value-wise.
- Any arrangement regarding off-loading or sub-contracting of products or any components thereof.
- Position of the order book—item-wise and value-wise for a period of six months, and one year, next following and for the period after the expiry of the said one year.
- Number of working days in a week with number of shifts per day and strength of workmen per each shift.
- Balance Sheet; profit and loss account and audit reports for the last three years.
- 11. Financial position of the company.
- Names of the inter-connected companies or companies under the same management.
- 13. (i) The total number of workmen and the number of employees other than workmen as defined in the Industrial Disputes Act, 1947 (14 of 1947), employed in the undertaking.
  - (ii) Percentage of wages of workmen to the total cost of production.
- Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.
- 15. Details of retrenchment resorted to in the last three years, including the dates of retrenchment, the number of workmen involved in each case and the reasons therefor.
- 16. Has any of the retrenched workmen been given reemployment and if so, when? Give details.

- 17. Are seniority lists maintained in respect of the categories of workmen proposed to be retrenched and if so, the details and the position of the workmen affected indicating their length of service including broken periods of service?
- 18. Anticipated savings due to the proposed retrenchment.
- 19. Any proposal for effecting savings on account of reduction in-
  - (i) managerial remuneration;
  - (ii) sales promotion cost; and
  - (iii) general administration expenses.
- Position of stock on the last day of the month in the preceding twelve months.
- Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months—both item-wise and value wise.
- 22. Reasons for the proposed retrenchment.
- Any specific attempt made so far to avoid the proposed retrenchment.
- 24. Any other relevant factors with details thereof.";
  - (e) after Form Q, the following forms shall be inserted, namely:—
    "Form QA (to be submitted in triplicate).

[See rule 76C(1)]

Form of notice for permission of closure to be given by an employer under sub-section (1) of Section 25-O of the Industrial Disputes Act, 1947 (14 of 1947).

Date	

To

The Secretary to the Government of India, Ministry of Labour,

New Delhi.

Sir.

Under section 25-O of the Industrial Disputes Act, 1947 (14 of 1947), I/We hereby inform you that I/We propose to close down the undertaking specified below of (name of the industrial establishment).

(Give	details	of	the	undertaking)
		_		

with effect from......for the reasons explained in the Annexure.

- 2. The number of workmen whose services will be terminated on account of the closure of the undertaking is.....(number of workmen).
  - 3. Permission is solicited for the proposed closure.
- 4. I/we hereby declare that in the event of approval for the closure being granted, every workmen in the undertaking to whom sub-section (7) of the said section 25-O applies will be given notice and paid compensation as specified in section 25N of the Industrial Disputes Act, 1947 (14 of 1947) as if the workman had been retrenched under that section.

Yours faithfully,

#### ANNEXURE

## (Please give replies against each item)

#### Atem No.

- Name of the industrial establishment with complete postal address, including telegraphic addresses and telephone number.
- The total number and categories of workmen affected by the proposed closure, along with the addresses of the workmen and the details of wages drawn by them.
- 3. Product/products of the undertaking.
- Details relating to licensed capacity, installed capacity and the utilised capacity.
- (i) Annual production item-wise for preceding three years.
  - (ii) Production figures month-wise for the preceding twelve months.
- Work in progress—item-wise and value-wise.
- Any arrangement regarding off-loading or sub-contracting of products or any component thereof.
- 8. Details of persons or the organisations to whom the job(s) is (are) being entrusted-relationship/interest of the persons/organisations with the director(s) or the officer(s) of the company.
- Position of the order book-itemwise and value-wise for a period of six months, and one year, next following and for the period after the expiry of the said one year.
- Number of working days in a week with the number of shifts per day and the strength of workmen per each shift.
- Balance sheet and profit and loss account and audit reports for the last three years.
- 12. Financial position of the company.
- (i) Names of any interconnected company or companies under the same management.
  - (ii) Details about inter-corporate investments and changes during the last one year.
  - (iii) Interest of any of the directors/officers of the undertaking producing same or similar type of product.
- Percentage of wages of workmen to the total cost of production.
- Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.
- 16. Inventory position-itemwise and value-wise for the preceding twelve months (Inventories to be shown in respect of finished products, components and rawmaterials to be shown separately itemwise and valuewise).
- Selling arrangement for the last three years and any change in the selling arrangement in preceding twelve months.
- 18. Full details of the interests of the directors and officers of the company in the organisations/persons involved in selling products of the undertaking.
- Buying arrangements for raw materials and components.

- Interests of the directors and officers with the organisations/persons involved in buying raw materials and components for the undertaking.
- 21. Annual sales figures for the last three years and monthwise sales figures for the preceding twelve months both itemwise and value-wise.
- 22. Reasons for the proposed closure,
- Any specific attempts made so far to avoid the closure.
- 24. Any other relevant factors with details thereof."

FORM QB (To be submitted in triplicate).

[See rule 76B(2)]

Form of application for permission to close down an undertaking in cases where at the commencement of the Industrial Disputes (Amendment) Act, 1976 (Act 32 of 1976), the period of notice given under sub-section (1) of section 25FFA of intention to close down an undertaking has not expired.

To

Date-

The Secretary to the Government of India, Ministry of Labour, New Delhi.

". Mew Det

Sir.

(Attested copy of the notice is appended hereto).

(Give details of the undertaking)

- 2. The period of notice referred to above has not expired.
- 3. I/We hereby solicit permission to close down the said undertaking under subsection (3) of section 25-O of the Industrial Disputes Act, 1947 (14 of 1947) for the reasons set out in the Annexure.
- 4. I/We hereby declare that in the event of permission for the closure being granted every workman in the undertaking to whom sub-section (7) of the said section 25-O applies will be given notice and paid compensation as specified in section 25N of the Industrial Disputes Act, 1947 (14 of 1947) as if the workman had been retrenched under that section.

Yours faithfully, (Signature)

# ANNEXURE

(Please give replies against each item)

- Name of the industrial establishment with complete postal address, including telegraphic addresses and telephone number.
- Date of the notice under sub-section (1) of section 25FFA and the date on which the said notice was served on the appropriate Government.
- The total number and categories of workmen affected by the proposed closure, along with the addresses of the workmen and the details of wages drawn by them.
- 4. Product/products of the undertaking.
- Details relating to licensed capacity, installed capacity and the utilised capacity.
- (i) Annual production itemwise for preceding three years.
  - (ii) Production figures monthwise for the preceding twelve months.

- 7. Work in progress-item-wise and value-wise.
- 8. Any arrangement regarding off-loading or sub-contracting of products or any component thereof.
- Details of persons of the organisations to whom the job(s) is (are) being entrusted-relationship/interest of the persons/organisations with the director(s) or the officer(s) of the company.
- 10. Position of the order book—item-wise and value-wise: for a period of six months, and one year, next following and for the period after the expiry of the said one year.
- Number of working days in a week with the number of shifts per day and the strength of workmen per each shift.
- Balance sheet and profit and loss account and audit reports for the last three years.
- 13. Financial position of the company.
- (i) Names of any inter-connected company or companies under the same management.
  - (ii) Details about inter-corporate investments and changes during the last one year.
  - (iii) Interest of any of the directors/officers of the undertaking producing same or similar type of product.
- Percentage of wages of workmen to the total cost of production.
- Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.
- 17. Inventory position-itemwise and value-wise for the preceding twelve months. (Inventories to be shown in respect of finished products, components and rawmaterials to be shown separately itemwise and valuewise).
- Selling arrangement for the last three years and any change in the selling arrangement in preceding twelve months.
- 19. Full details of the interests of the directors and officers of the company in the organisations/persons involved in selling products of the undertaking.
- Buying arrangements for raw materials and components.
- 21. Interests of the directors and officers with the organisations/persons involved in buying raw materials and components for the undertaking.
- 22. Annual sales figures for the last three years and monthwise sales figures for the preceding twelve months, both itemwise and value-wise.
- 23. Reasons for the proposed closure.
- Any specific attempts made so far to avoid the closure.
- 25. Any other relevant factors with details thereof."

[No. F. S. 65017/1/76/D.IA]